

REMARKS

For ease of reference, paragraph numbers used herein correspond to like paragraph numbers used in the Office action.

Claims Rejections under 35 USC §112

2. Claims 11 and 12 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejection is respectfully traversed.

Specifically, the Office action notes that claims 11 and 12 both recite the limitation "monomer part", noting that there is insufficient antecedent basis for this limitation in the claims. Additionally, the Office actions notes claims 11 and 12 should depend from claim 10.

In response, claims 10-12 have been amended and are believed to overcome the rejection.

Rejection under 35 USC §102/103

1. Claims 1-9, 13-16 stand rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Composition of American Distilled Tall Oils by MAGEE et al, henceforth referred to as MAGEE. The rejection is respectfully traversed.

Independent claim 1 as amended, claims 3-9 and 13-16 by dependency, all distinguish and/or are patentable over MAGEE at least by the required "hardwood particles and a wood cooking aid, wherein the wood cooking aid comprises fatty acid component and a rosin acid

component and/or salts thereof, and wherein said cooking aid comprises about 70 to about 2% fatty acids, about 20 to about 98% rosin acids, and less than about 15%, saponifiable material.” MAGEE fails to disclose or suggest any hardwood particles.

It is therefore believed by the applicant that the rejection of claims 1-9, and 13-16 under 35 USC 102/103 has been overcome.

Rejection under 35 USC §103(a)

2. Claims 10, 11, 12 , and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Composition of American Distilled Tall Oils by MAGEE et al. as applied to claims 1-9 and 1316 above, in view of Tall Oil Fatty acids and Relative Substances by Pine Chemical Association, or PCA. The rejection is respectfully traversed.

In response, claims 10-12 are patentable over MAGEE in view of PCA for the reasons provided above.

Claim 17 is patentable over MAGEE in view of PCA at least for the required, “contacting hardwood particles with a wood cooking aid, wherein the wood cooking aid comprises about 70 to about 2% fatty acids, and about 20 to about 98% rosin acids, and less than about 15%, saponifiable material.”

Rejection under 35 USC §103

3. Claims 18 and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Composition of American Distilled Tall Oils by MAGEE et al. in view of Tall Oil Fatty acids and Relative Substances by Pine Chemical Association, or PCA as applied to claim 17 above, and

further in view of U.S. Patent 7,255,873 NAKATA, henceforth referred to as NAKATA. The rejection is respectfully traversed.

Claims 17 and 18 are patentable for the same reasons provided above.

Rejection under 35 USC §103

4. Claim 20 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art, hereinafter AAPA, in view of Composition of American Distilled Tall Oils by MAGEE et al., and if necessary, Handbook for Pulp and Paper Technologists by SMOOK, hereinafter SMOOK. The rejection is respectfully traversed.

The Office action notes Applicant's Admitted Prior Art (AAPA) as disclosing "that tall oil is used for deresinating birch wood during a cooking process [specification pg.2 lines 5-10]."

In response, if by "tall oil" the Office action meant "crude tall oil" then applicant agrees.

The specification actually discloses the use of "crude" tall oil, see, Specification at 2, lines 5-10:

*Textbooks in the technical field of the present invention teach that it is usual to add **crude** tall oil or black liquor soap to birch cooking in order to decrease the amount of extractives in the pulp. This is mentioned e.g. in the textbook of the Finnish Paper Engineers' Association called: Puumassan valmistus II osa 2, page 1341 (Production of pulp II, part 2). The addition of **crude tall** oil or black liquor soap both improves the separation of soap and the quality of pulp in the cooking of birch. (emphasis added).*

The AAPA does not disclose or suggest the use of distilled tall oil for wood cooking. However, applicant does teach use of distilled tall oil as part of the invention (not the prior art).

While MAGEE et al. does describe properties of various distilled tall oils, MAGEE is silent regarding the use of distilled tall oil in wood cooking, and makes no suggestion regarding such.

SMOOK does not disclose or suggest the use of distilled tall oil for wood cooking.

In view of the AAPA disclosure to use crude tall oil in wood cooking, there is no teaching or suggestion to use the MAGEE distilled tall oils in wood cooking.

As such, AAPA, MAGEE, and SMOOK, either alone or in any combination, cannot be said to make obvious claim 20. Thus, the rejection of claim 20 under 35 USC 103 is therefore believed by the applicant to be overcome.

Rejection under 35 USC §103

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Composition of American Distilled Tall Oils by MAGEE et al., in view of US 6,084,061 LAWSON et al., hereinafter LAWSON and if necessary, Handbook for Pulp and Paper Technologists by SMOOK, hereinafter SMOOK.

The Office action notes, “*LAWSON discloses that AQ can be removed from tall oil and recycled back to the pulping process [column 3 lines 40-48]. The tall oil remaining with the AQ is good for pulping as it acts as a surfactant. LAWSON that either crude or distilled tall oil can work [column 3 lines 10-27]. At the time of the invention it would have been obvious to a person of ordinary skill in the art to use AQ recycling from tall oil process of LAWSON in the pulping of wood chips which produce the tall oil of MAGEE. A person of ordinary skill in the art would be motivated to do so to because AQ improves yield and recycling saves AQ costs. Additionally the recycled tall oil acts as a surfactant.*”

However, in response, applicant respectfully notes that LAWSON at col. 1, lines 47-50, teaches recycling of a heads cut, and teaches that “[t]all oil heads are typically composed of 50-75% of a mixture of fatty acids comprising palmitic, oleic and linoleic acids. The remainder consists generally of unsaponifiable materials.” In other words, LAWSON teaching recycling a material having 25-50% unsaponifiable materials.

The applicant’s present specification specifically teaches the necessity of having less than 15% unsaponifiable materials, and claims 20 requires it.

The LAWSON teaching is to recycle a material having 25-50% unsaponifiable materials. Thus the MAGEE materials having low amounts of unsaponifiable materials would not look promising to LAWSON.

As such, LAWSON and MAGEE, either alone or in any combination, cannot be said to make obvious claim 20. Thus, the rejection of claim 20 under 35 USC 103 is therefore believed by the applicant to be overcome.

In view of the above Amendments and Remarks, prompt allowance of all pending claims is respectfully requested.

If it would be of assistance in resolving any issues in this application, the Examiner is kindly invited to contact applicant's agent Mary Gilbreth at 713 667 1200 x 101, or applicant's attorney Mark Gilbreth at 713 667 1200 x 102.

Respectfully submitted,

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/J. M. (MARK) GILBRETH/

J. M. (Mark) Gilbreth, Reg. No. 33,388
Attorney for Applicant